

CLAIM OF TOM TOMEKICHI UYEKI

[No. 146-35-3410. Decided July 5, 1951]

FINDINGS OF FACT

* * * All of the property herein concerned was owned by the community estate of the claimant and his wife, * * *. On December 7, 1941, the claimant and his wife actually resided at 4117 Grandview, Culver City, California, and they were living at that address when evacuated on April 27, 1942, * * *. Following the cessation of hostilities, the claimant's wife requested that she be returned to Japan at Government expense and she left this country on December 28, 1945. The claimant departed from the United States on August 28, 1950, for the purpose of taking up permanent residence in Japan.

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REASONS FOR DECISION

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It has been found as a fact that the claimant's wife repatriated to Japan at Government expense in December of 1945. Section 2 (b) (1) of the Act bars consideration of claims by persons who after December 7, 1941, were "voluntarily or involuntarily deported from the United States." In the claim of *Kumahichi Taketomi*, ante, p. 162, it was held that the phrase "voluntarily or involuntarily deported" included "individuals transported or removed from the country by the Government of their own choice, 'voluntarily' or through compulsion, 'involuntarily.'" Clearly, the claimant's wife by requesting that she be sent to Japan at Government expense, placed herself squarely within the purview of the above definition of that class of persons who were "voluntarily deported" and she is, therefore, ineligible to claim under the Act. Moreover, it is by virtue of the aforementioned *Taketomi* case, *supra*, that the claimant's husband, having paid his own passage to Japan in August 1950, is an eligible

claimant since he is not a voluntary deportee as therein defined.

* * * Inasmuch as the property herein concerned was community property, the claimant, by reason of the ineligibility of his wife, can be reimbursed only to the extent of the loss he alone suffered, or one-half of the total damage of \$1,441.38, or \$720.69. *Fumiyo Kojima, ante*, p. 209.